

Presented to the Court by the foreman of the
Grand Jury in open Court, in the presence of
the Grand Jury and FILED in The U.S.
DISTRICT COURT at Seattle, Washington.

MAY 22 2007
BRUCE BIEKIN, Clerk
By _____ Deputy



06-CR-00466-INDI

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID RONALD MENDOZA,

Defendant.

NO. CR06-466 TSZ

SUPERSEDING
INDICTMENT

The Grand Jury charges that:

COUNT 1

(Conspiracy to Import Marijuana)

Beginning at a time unknown but within the past five years and continuing through August 17, 2006, within the Western District of Washington and elsewhere, DAVID RONALD MENDOZA and others, known and unknown, knowingly and intentionally did conspire to import, from a place outside the United States, to wit, Canada, to a place inside the United States, to wit, King County, Washington, marijuana, a substance controlled under Schedule I, Title 21, United States Code, Section 812.

The Grand Jury further alleges that this offense involved one thousand (1,000) kilograms or more of a mixture or substance containing marijuana.

All in violation of Title 21, United States Code, Sections 952(a), 960(a)(1) and (b)(1)(G) and 963.

SUPERSEDING INDICTMENT
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700 Stewart Street, Suite 5220
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1 COUNT 2

2 (Conspiracy to Possess Marijuana on Board an Arriving Aircraft)

3 In the time between June 1, 2005 and through August 17, 2006, within the
4 Western District of Washington and elsewhere, DAVID RONALD MENDOZA and
5 others, known and unknown, knowingly and intentionally did conspire to possess on
6 board aircraft arriving in the United States, without being part of the official supplies of
7 the aircraft and without being entered as cargo on its manifest, marijuana, a substance
8 controlled under Schedule I, Title 21, United States Code, Section 812.

9 It is further alleged that this offense involved one thousand (1,000) kilograms or
10 more of a mixture or substance containing marijuana.

11 All in violation of Title 21, United States Code, Sections 955, 960(b)(1)(G) and
12 963.

13 COUNT 3

14 (Possession of Marijuana on Board an Arriving Aircraft-Load in the Ravine)

15 On or about August 4, 2005, within the Western District of Washington and
16 elsewhere, DAVID RONALD MENDOZA knowingly and intentionally did possess,
17 and aid and abet the possession of, on board aircraft arriving in the United States,
18 without being part of the official supplies of the aircraft and without begin entered as
19 cargo on its manifest, marijuana, a substance controlled under Schedule I, Title 21,
20 United States Code, Section 812.

21 It is further alleged that this offense involved one hundred (100) kilograms or
22 more of a mixture or substance containing marijuana.

23 All in violation of Title 21, United States Code, Sections 955 and 960(b)(2)(G)
24 and Title 18, United States Code, Section 2.

25 COUNT 4

26 (Possession of Marijuana on Board an Arriving Aircraft-Smith Load)

1 On or about February 7, 2006, within the Western District of Washington and
2 elsewhere, DAVID RONALD MENDOZA knowingly and intentionally did possess,
3 and aid and abet the possession of, on board aircraft arriving in the United States,
4 without being part of the official supplies of the aircraft and without begin entered as
5 cargo on its manifest, marijuana, a substance controlled under Schedule I, Title 21,
6 United States Code, Section 812.

7 It is further alleged that this offense involved one hundred (100) kilograms or
8 more of a mixture or substance containing marijuana.

9 All in violation of Title 21, United States Code, Sections 955 and 960(b)(2)(G)
10 and Title 18, United States Code, Section 2.

11

12 COUNT 5

13 (Possession of Marijuana on Board an Arriving Aircraft-Cramer Loads)

14 During the time from June 1 through August 17, 2006, within the Western
15 District of Washington and elsewhere, DAVID RONALD MENDOZA knowingly and
16 intentionally did possess, and aid and abet the possession of, on board aircraft arriving
17 in the United States, without being part of the official supplies of the aircraft and
18 without begin entered as cargo on its manifest, marijuana, a substance controlled under
19 Schedule I, Title 21, United States Code, Section 812.

20 It is further alleged that this offense involved one hundred (100) kilograms or
21 more of a mixture or substance containing marijuana.

22 All in violation of Title 21, United States Code, Sections 955 and 960(b)(2)(G)
23 and Title 18, United States Code, Section 2.

24

25 **FORFEITURE ALLEGATIONS - TITLE 21**

26 Upon conviction of one or more of the controlled substance offenses alleged in
27 Counts 1 through 5 of this Superseding Indictment, defendant David Mendoza shall
28 forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any

1 property, real or personal, constituting, or derived from, proceeds obtained, directly or
2 indirectly, as a result of the said violations, and any property, real or personal, used or
3 intended to be used, in any manner or part to commit, or to facilitate the commission of
4 the said violations, including but not limited to the following:

5 REAL PROPERTY commonly known as 2526 155th Place SE, Bellevue,
6 Washington, King County Parcel #675130-0450;

7 REAL PROPERTY commonly known as 31726 North Spotted Road, Deer Park,
8 Washington, Spokane County Parcel #28092-9065;

9 REAL PROPERTY commonly known as 849 NW Wall Street, Bend, Oregon,
10 Deschutes County Parcel #1-061 17 12 32 BD 06200 103806.

11 If any of the above-described forfeitable property, as a result of any act or
12 omission of the Defendant:

- 13 a. cannot be located upon the exercise of due diligence;
- 14 b. has been transferred or sold to, or deposited with, a third party;
- 15 c. has been placed beyond the jurisdiction of the Court;
- 16 d. has been substantially diminished in value; or
- 17 e. has been commingled with other property which cannot be subdivided
18 without difficulty;

19 it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek
20 forfeiture of any other property of the defendant up to the value of the forfeitable
21 properties described above.

22
23 COUNT 6

24 (Conspiracy to Engage in Money Laundering)

25 Beginning at a time unknown but occurring within the last five years and
26 continuing through March 2, 2007, within the Western District of Washington and
27 elsewhere, DAVID RONALD MENDOZA and others, known and unknown,

1 knowingly and intentionally combined, conspired, confederated and agreed together and
2 with each other, to commit certain offenses under Title 18, United States Code, Section
3 1956 as follows:

4 (1956(a)(1))

5 (1) To conduct or attempt to conduct a financial transaction affecting
6 interstate commerce which in fact involved the proceeds of specified unlawful activity,
7 that is, a conspiracy to import marijuana, in violation of Title 21, United States Code,
8 Sections 952(a), 960(a)(1) and (b)(1)(G), and 963, a conspiracy to possess marijuana on
9 board arriving aircraft, in violation of Title 21, United States Code, Sections 955,
10 960(b)(1)(G), and 963, and possessing and aiding and abetting possession of marijuana
11 on board arriving aircraft, in violation of Title 21, United States Code, Sections 955
12 and 960(b)(2)(G) and Title 18, United States Code, Section 2, knowing that the
13 property involved in the financial transaction represented the proceeds of some form of
14 unlawful activity -

15 (A) with the intent to promote the carrying on of the specified unlawful
16 activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i); and

17 (B) knowing that the transaction is designed in whole or in part -

18 (i) to conceal or disguise the nature, the location, the source,
19 the ownership, or the control of the proceeds of the specified unlawful activity, in
20 violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); and

21 (ii) to avoid a transaction reporting requirement under State or
22 Federal law, in violation of Title 18, United States Code, Section 1956(a)(2)(B)(ii);

23 (1956(a)(2))

24 (2) To transport, transmit, or transfer, or attempt to transport, transmit, or
25 transfer a monetary instrument or funds from a place in the United States to or through
26 a place outside the United States or to a place in the United States from or through a
27 place outside the United States -

(A) with the intent to promote the carrying on of specified unlawful activity, that is, a conspiracy to import marijuana, in violation of Title 21, United States Code, Sections 952(a), 960(a)(1) and (b)(1)(G), and 963, a conspiracy to possess marijuana on board arriving aircraft, in violation of Title 21, United States Code, Sections 955, 960(B)(1)(G) and 963, and possessing and aiding and abetting possession of marijuana on board arriving aircraft, in violation of Title 21, United States Code, Sections 955 and 960(B)(2)(G) and Title 18, United States Code, Section 2, and

(B) knowing that the transaction is designed in whole or in part –

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of the specified unlawful activity, that is, a conspiracy to import marijuana, in violation of Title 21, United States Code, Sections 952(a), 960(a)(1) and (b)(1)(G), and 963, a conspiracy to possess marijuana on board arriving aircraft, in violation of Title 21, United States Code, Sections 955, 960 and 963, and possessing and aiding and abetting possession of marijuana on board arriving aircraft, in violation of Title 21, United States Code, Sections 955 and 960 and Title 18, United States Code, Section 2, and

(ii) to avoid a transaction reporting requirement under State or Federal law, in violation of Title 18, United States Code, Section 1956(a)(2)(B)(ii);

All in violation of Title 18, United States Code, Section 1956(h).

COUNT 7

(Structuring Currency Transactions)

23 In the time of May through September of 2005, at Seattle, within the Western
24 District of Washington, and elsewhere, DAVID RONALD MENDOZA did structure, and
25 did cause to be structured, and did aid and abet the structuring of, currency transactions
26 with one or more domestic financial institutions, for the purpose of evading the
27 requirement of Title 31, United States Code, Section 5313(a) and any regulation
28 prescribed under such section, that is, the requirement of a financial institution to report

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1 currency transactions involving more than \$10,000, in that DAVID RONALD
 2 MENDOZA caused the following Cashier Checks purchased with currency and issued
 3 from the Bank of America to be purchased, endorsed, deposited and cashed:

	Cashier Check Number	Date Paid	Trace Number	Dollar Amount
1	7770383091	6/3/2005	M06020201	\$2,500.00
2	1790250435	6/27/2005	M06650914	\$2,500.00
3	1790250444	6/27/2005	M06650915	\$2,500.00
4	0010332567	7/20/2005	M07295358	\$2,500.00
5	0010332576	7/20/2005	M07295360	\$2,500.00
6	0570501990	7/20/2005	M07295368	\$2,500.00
7	0570502008	7/20/2005	H17172927	\$2,500.00
8	0570502116	7/20/2005	M07295367	\$2,500.00
9	0570502125	7/20/2005	M07295366	\$2,500.00
10	0570502224	7/28/2005	M05918211	\$2,500.00
11	0820318977	7/28/2005	M05918226	\$2,500.00
12	0820318986	7/28/2005	M05918223	\$2,500.00
13	0820318995	7/28/2005	M05918239	\$2,500.00
14	0820319013	7/28/2005	M05918236	\$2,500.00
15	0820319148	7/20/2005	M07295364	\$2,500.00
16	0820319157	7/20/2005	M07295362	\$2,500.00
17	0820319292	7/28/2005	M05918204	\$2,500.00
18	0820319328	7/28/2005	M05918205	\$2,500.00
19	1500208254	7/20/2005	M07295357	\$2,500.00
20	1500208263	7/20/2005	M07295373	\$2,500.00
21	1500208272	7/28/2005	M05918237	\$2,500.00
22	1500208291	7/28/2005	M05918220	\$2,500.00
23	1500208353	7/28/2005	M05918209	\$2,500.00
24	1760270751	7/28/2005	M05918231	\$2,500.00
25	1760270760	7/28/2005	M05918230	\$2,500.00

	Cashier Check Number	Date Paid	Trace Number	Dollar Amount	
1					
2	26	1790250453	7/28/2005	M05918225	\$2,500.00
3	27	1790250462	7/28/2005	M05918224	\$2,500.00
4	28	1790250471	7/28/2005	M05918234	\$2,500.00
5	29	1790250480	7/28/2005	M05918228	\$2,500.00
6	30	1790250561	7/20/2005	M07295370	\$2,500.00
7	31	1900430316	7/28/2005	H17342593	\$2,500.00
8	32	1900430325	7/28/2005	M05918227	\$2,500.00
9	33	1900430631	7/28/2005	H17342594	\$2,500.00
10	34	2280257931	7/28/2005	M05918216	\$2,500.00
11	35	2280257946	7/28/2005	M05918217	\$2,500.00
12	36	2280258063	7/20/2005	M07295359	\$2,500.00
13	37	2280258072	7/20/2005	M07295361	\$2,500.00
14	38	2280258081	7/20/2005	M07295363	\$2,500.00
15	39	2280258144	7/28/2005	M05918202	\$2,500.00
16	40	2280258153	7/28/2005	M05918203	\$2,500.00
17	41	2780353863	7/20/2005	M07295375	\$2,500.00
18	42	3080377773	7/28/2005	M05918233	\$2,500.00
19	43	3080377782	7/28/2005	M05918232	\$2,500.00
20	44	3080378034	7/20/2005	M07295374	\$2,500.00
21	45	3080378043	7/20/2005	M07295371	\$2,500.00
22	46	3080378052	7/20/2005	M07295372	\$2,500.00
23	47	3540304413	7/28/2005	M05918213	\$2,500.00
24	48	3650316345	7/28/2005	M05918221	\$2,500.00
25	49	3650316354	7/28/2005	M05918229	\$2,500.00
26	50	5210571933	7/28/2005	M05918214	\$2,500.00
27	51	5850645111	7/28/2005	M05918212	\$2,500.00
28	52	6210284427	7/28/2005	M05918208	\$2,500.00
	53	6210284436	7/28/2005	M05918207	\$2,500.00
	54	6660294498	7/20/2005	M07295365	\$2,500.00

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	Cashier Check Number	Date Paid	Trace Number	Dollar Amount
55	6660294507	7/28/2005	M05918235	\$2,500.00
56	7160304168	7/28/2005	M05918222	\$2,500.00
57	7160304177	7/28/2005	M05918219	\$2,500.00
58	7160304186	7/28/2005	M05918218	\$2,500.00
59	7770386610	7/28/2005	M05918238	\$2,500.00
60	7770386628	7/28/2005	M05918206	\$2,500.00

which together constituted more than \$100,000 within a twelve month period.

All in violation of Title 31, United States Code, Section 5324(a)(3) and 5324(d)(1), and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATIONS – Title 18

Pursuant to Title 18, United States Code, Section 982(a)(1), upon conviction of one or more of the money laundering offenses set forth in Count 6 of this Superseding Indictment, defendant David Mendoza shall forfeit to the United States any and all property, real or personal, involved in each offense in violation of Title 18, United States Code, Section 1956, or conspiracy to commit such offense, for which the defendant is convicted, and all property traceable to such property, including all money or other property that was the subject of each transaction, transportation, transmission or transfer in violation of Section 1956; all commission, fees and other property constituting proceeds obtained directly as a result of these violations; and 3) all property used in any manner or part to commit or to facilitate the commission of those violations, including, but not limited to:

REAL PROPERTY commonly known as 849 NW Wall Street, Bend, Oregon, Deschutes County Parcel #1-061 17 12 32 BD 06200 103806.

If any of the above-described forfeitable property, as a result of any act or omission of the Defendant:

- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the Court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be subdivided

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

A TRUE BILL:

DATED: May 22, 2007

Signature Redacted Pursuant to Judicial Policy
FOREPERSON

JEFFREY C. SULLIVAN
United States Attorney

Douglas B. Whalley
DOUGLAS B. WHALLEY
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SUPERSEDING INDICTMENT

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